

- (c) only expunged felony convictions;
 - (d) only convictions subject to judicial diversion;
 - (e) received a pardon for any disenfranchising conviction; and/or
 - (f) had their voting rights restored.
- (2) Requiring an applicant using the Federal Form to submit documentation proof of voting rights restoration.

For an individual to be considered “otherwise qualified” after receiving a pardon for a disenfranchising conviction, as described in subpart (1)(e), the applicant must have had their full rights of citizenship restored and complied with requirements of Tenn. Code Ann. §§ 40-29-201 through -205, as established in the Tennessee Supreme Court’s decision in *Falls v. Goins*, 673 S.W.3d 173, 183 (Tenn. 2023). Also, after July 21, 2023, for an individual to be considered “otherwise qualified” after having their voting rights restored, as described in subpart (1)(f), the applicant must have restored their full rights of citizenship and complied with the requirements of Tenn. Code Ann. §§ 40-29-201 through -205, as established in the Tennessee Supreme Court’s decision in *Falls v. Goins*, 673 S.W.3d 173, 183 (Tenn. 2023).

Defendants Hargett and Goins are not enjoined from rejecting voter registration applications when Tennessee elections officials receive or otherwise possess information beyond the face of a voter registration application that indicates that the applicant is ineligible to register to vote.

Defendants Hargett and Goins, in accordance with their July 21, 2023 policy revisions, are encouraged to continue instructing county election commissions to process voter-registration applications for individuals in two categories: (1) individuals with pre-January 15, 1973, convictions that did not commit an infamous crime; and (2) individuals with convictions between

January 15, 1973, and May 17, 1981. Upon review, this policy change partially satisfies Plaintiff's request for the Court to require Defendants Hargett and Goins to issue "statewide guidance prohibiting [the] requirement that people with convictions provide documentary proof of their eligibility and proscribing the rejection of valid voter registration applications from eligible voters because the applicant has a felony conviction." (Amended Complaint, D.E. 102, PageID 659.)

It is so **ORDERED**.

WILLIAM L. CAMPBELL, JR.
CHIEF UNITED STATES DISTRICT JUDGE